



Linda S. Adams
Secretary for
Environmental Protection

State Water Resources Control Board

Office of Chief Counsel

1001 I Street, 22nd Floor, Sacramento, California 95814
P.O. Box 100, Sacramento, California 95812-0100
(916) 341-5161 ♦ FAX (916) 341-5199 ♦ <http://www.waterboards.ca.gov>



Arnold Schwarzenegger
Governor

JUN 13 2006

CERTIFIED MAIL

Jeffery L. Podawiltz, Esq.
Glynn & Finley, LLP
One Walnut Creek Center
100 Pringle Avenue, Suite 500
Walnut Creek, CA 94596

Dear Mr. Podawiltz:

PETITION OF CHEVRON PRODUCTS COMPANY (TECHNICAL REPORT ORDER FOR 4000 PORTOLA DRIVE, SANTA CRUZ), CENTRAL COAST REGION: ADOPTED ORDER
SWRCB/OCC FILE A-1343

Enclosed is a copy of WQ 2006 – 0006.

Sincerely,

Michael A.M. Lauffer
Chief Counsel

Enclosure

cc: **All w/enclosure and w/o ip list**

Chevron Products Company, a dba of
Chevron U.S.A., Inc.
6000 Bollinger Canyon Road, Bldg. L
P.O. Box 6004
San Ramon, CA 94583-0904

Interested Persons

John M. Gallagher, Esq.
Bosso, Williams, Sachs, Attack,
Gallagher & Sanford
133 Mission Street, Suite 280
P.O. Box 1822
Santa Cruz, CA 95061-1822

Inter-Office Service List **[via email only]**

California Environmental Protection Agency

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
ORDER WQ 2006 - 0006

In the Matter of the Petition of

CHEVRON PRODUCTS COMPANY

For Review of
Technical Report Order For
4000 Portola Drive, Santa Cruz
Issued by the
California Regional Water Quality Control Board,
Central Coast Region

SWRCB/OCC FILE A-1343

BY THE BOARD:

On March 21, 2006, the Superior Court for the County of Santa Cruz (Court) issued an order granting petition for writ of administrative mandamus in the matter of *Bob Rudolph Enterprises, Inc. v. State Water Resources Control Board*, Case No. CV 149342 (Attached). By order of the Court, State Water Resources Control Board (State Water Board) Order No. WQO 2004-0005 is hereby withdrawn. The matter of the petition of Chevron Products Company for review of a technical report order for 4000 Portola Drive, Santa Cruz is remanded to the California Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board).

The Central Coast Water Board is directed to comply with the Court's order by revising its technical report order of November 9, 2000, specifically stating what actions are being ordered and stating the statutory authority to order each required action. By order of the Court, the Central Coast Water Board's revised order shall be based upon the record before it as of November 9, 2000.

This Order is not precedential.

ORDER

IT IS HEREBY ORDERED that WQO 2004-0005 is set aside for further proceedings consistent with this Order.

CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on June 7, 2006.

AYE: Tam M. Doduc
Gerald D. Secundy
Arthur G. Baggett
Charlie Hoppin

NO: None

ABSENT: None

ABSTAIN: None



Song Her
Clerk of the Board

R

1 GLYNN & FINLEY, LLP
2 PATRICK L. FINLEY, Bar No. 70827
3 ANDREW T. MORTL, Bar No. 177876
4 JEFFERY L. PODAWILTZ, Bar No. 191369
5 One Walnut Creek Center
100 Pringle Avenue, Suite 500
Walnut Creek, CA 94596
Telephone: (925) 210-2800
Facsimile: (925) 945-1975

FILED
MAR 23 2006
ALBY CAVO, CLERK
DEPUTY SANTA CRUZ COUNTY

6 Attorneys for Real Party in Interest Chevron U.S.A., Inc.

7
8
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF SANTA CRUZ

*no
envelope
provided*

11 BOB RUDOLPH ENTERPRISES, INC.,
12
13 Petitioner,
14
15 vs.
16 STATE WATER RESOURCES CONTROL
17 BOARD, et al.,
18
19 Respondents.

Case No. CV 149342
FACSIMILE
ORDER GRANTING PETITION FOR
WRIT OF ADMINISTRATIVE
MANDAMUS

Hearing: February 1, 2006
Time: 8:30 a.m.

21 This matter came regularly before this court on February 1, 2006, for hearing in
22 Department 5 of the Superior Court, the Honorable Samuel Stevens presiding. John Gallagher of
23 Bosso Williams appeared on behalf of the petitioner. Anita E. Ruud, Deputy Attorney General,
24 appeared on behalf of respondent State Water Resources Control Board, and Jeffery L. Podawiltz
25 appeared on behalf of real party in interest Chevron U.S.A., Inc.

26 The record of the administrative proceedings having been received into evidence
27 and examined by the court, judicial notice having been given to the materials submitted by the
28 parties and no additional evidence having been received by the court, arguments having been

1 presented, the court made the following determinations:

- 2 1. The Court finds that the order of the Regional Water Quality Control Board,
3 Central Coast Region dated November 9, 2000 ("the Order") is unclear as to
4 whether the Order requires Chevron U.S.A., Inc. to conduct further investigation
5 at the site only, cleanup only, or both. Further, the referenced statutory authority
6 in the Order is not consistent with the language of the Order. Accordingly, the
7 Court finds that the Order requires clarification and directs State Water Resources
8 Control Board to set aside its Order of May 20, 2004 and remand the matter to the
9 Regional Water Quality Control Board, Central Coast Region, for clarification
10 and a revised Order based on the record before the Regional Board on November
11 9, 2000. The revised order from the Regional Board should indicate specifically
12 what is being ordered of the interested parties with reference to the statutory
13 authority for such an order.
- 14 2. Because of the ambiguities of the Regional Board's Order of November 9, 2000,
15 the decision of the State Water Resources Control Board of May 20, 2004 does
16 not adequately set forth the applicable law supporting its decision. Accordingly,
17 the State Water Resources Control Board is directed to review its May 20, 2004
18 decision in light of the revised order that the Regional Board has been directed to
19 issue (see above). The State Water Resources Control Board's revised order shall
20 be based on the record before it at the time the original order of May 20, 2004
21 was issued as supplemented only by the revised order issued by the Regional
22 Board as discussed above.
- 23 3. This Court shall retain jurisdiction for further review of this matter.
- 24 IT IS SO ORDERED that:
- 25 1. A peremptory writ of mandate shall issue commanding the State Water Resources
26 Control Board, and through it the Regional Water Quality Control Board, Central Coast Region,
27 to review and revise their respective orders as set forth herein.

28 ///

1 2. The issue of the parties' costs shall await the further review by this Court of the
2 revised Orders from the administrative agencies.

3
4 Date: March 21, 2006


5 Judge of the Superior Court
6 SAMUEL S. STEVENS

7 Approved as to form:

8 State of California, State Water Resources Control Board

9
10 By: 
11 John Davidson, Deputy Attorney General
12 Attorneys for the State Water Resources Control Board

13
14 Glyn & Finley, LLP

15
16 By: 
17 Jeffrey Podawiltz, Esq.
18 Attorneys for Chevron U.S.A., Inc.

19 Bosso, Williams, Sachs, Atack, Gallagher & Sanford

20
21 By: 
22 John M. Gallagher, Esq.
23 Attorneys for Bob Rudolph Enterprises, Inc.

24
25
26
27
28